

JAN SCHNEIDER
487 Meadowlark Drive
Sarasota, Florida 34236

April 30, 2003

By Facsimile (202-219-3483) and Mail

Mr. Joseph Stoltz
Assistant Staff Director
Audit Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2003 MAY - 8 A 9:52

Re: Schneider for Congress (ID # 374751)

Dear Mr. Stoltz:

Further to conversations with Federal Election Commission audit staff today and yesterday, this will serve as my consent, if any is needed, for the FEC to seek Schneider for Congress electronic and other records from Michael J. Shelton, the former (fired) Finance Chair of the committee. Indeed, on behalf of Schneider for Congress and myself, your staff or anyone else at the FEC may contact anyone you may wish and obtain whatever records in any form you may wish in connection with your audit of Schneider for Congress and/or with MUR ## 5350, 5354 and 5361. Further, although the committee and I are represented by counsel in the MURs, anyone should feel free to contact me as well as our attorney, Robert A. Burka, Esq., at any time.

With regard to the audit, you will be receiving the Schneider for Congress bank records, reconciliations and other preliminary documents within the next few days. Further, I would be glad to send or to bring to the FEC any other Schneider for Congress financial files immediately. In addition, there are two other sets of documents not mentioned in your letter of April 23, 2003 that may be relevant:

- First, in MUR 5350, Mr. Shelton falsely complains that I "led [him] to believe" that my father, Harold B. Schneider, financed campaign contributions by my siblings and their children. This lie is defamatory of my father, my relatives and me, and it has already been refuted by all of us in sworn statements. If the FEC wishes to examine his financial records, however, my dad is quite willing to produce for inspection his documents showing that: (a) he has consistently given each of his children and grandchildren the same amount of money each year, the maximum permitted without federal tax consequences; and (b) he did not give any of us a penny more or less during the time I

Mr. Joseph F. Stoltz
April 30, 2003
Page 2

was a candidate (except, of course, for his own contributions to Schneider for Congress for the primary and general elections, which receipts have been duly disclosed in FEC filings). As executor of the estate of my mother, Esther Schneider, my dad is likewise willing to produce the relevant records showing that she made the same gifts equally to each child and grandchild each year until she passed away in September 2000; and

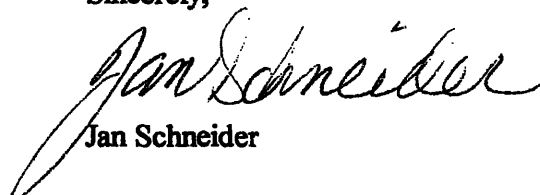
-- Second, Mr. Shelton has raised frivolous questions with regard to almost every category of item in the FEC electronic filings he himself prepared. With respect to the loans to the committee, as indicated in our FEC filings, they were entirely from my own personal funds. I too am quite willing to make available to the FEC my bank statements and other personal financial records demonstrating this.

The only known, relevant records that Schneider for Congress cannot produce are: (a) the FEC electronic filings that Mr. Shelton maintained for the committee on his own home computer and has refused to turn over unless we pay him \$6,000 for time he spent as a volunteer preparing them; (b) some receipts for disbursements by Mr. Shelton for which he authorized repayment to himself; and (c) certain other original documents retained by Mr. Shelton. These matters are dealt with in complaints by Schneider for Congress and by me in MUR #5361.

Finally, there is one more subject I should bring to your attention. Although it does not appear to us that Mr. Shelton has made any designation of counsel in connection with the MURs or any other FEC proceeding, you should know that he has claimed orally to have a lawyer in these regards. I am sending you with this letter a copy of an exchange of emails dated April 10, 2003 between Mr. Burka and Dennis Plews, Esq., who is counsel for Mr. Shelton in some other matters. In his email (in which he erroneously refers to Schneider for Congress Treasurer Carroll F. Johnson as "Mr. Carroll"), Mr. Plews makes two important assertions: (a) he refers to Mr. Shelton as "my client," and declines to indicate specifically whether he is representing Mr. Shelton before the FEC; and (b) he again repeats the offer by Mr. Shelton that Schneider for Congress may "purchase" its own electronic records from Mr. Shelton for \$6,000 (i.e., 24 hours at \$250 per hour). With respect to the latter, I am also including an exchange of letters between Mr. Plews and my Sarasota counsel, Susan Chapman, dated February 20, 2003, making the same demand. Perhaps the FEC can figure out the proper way to contact Mr. Shelton, since Mr. Burka and I are puzzled as to Mr. Plews' status.

Thank you for your consideration

Sincerely,


Jan Schneider

Mr. Joseph F. Stoltz

April 30, 2003

Page 3

Attachments:

Email from Dennis Plews, Esq. to Robert A. Burka, Esq., Apr. 20, 2003 and reply thereto

Letter from Dennis Plews, Esq. to Susan Chapman, Esq., Feb. 20, 2003

Letter from Susan Chapman, Esq. to Dennis Plews, Esq., Feb. 20, 2003

Cc: Jeff S. Jordan, Esq. ✓
Mr. Christopher Whyrick
Robert A. Burka, Esq.
Susan Chapman, Esq.
Mr. Carroll F. Johnson
Mr. Harold B. Schneider

24.04.408.4776

Subject: RE: Your Recent Telephone Call to me.

Date: Thu, 10 Apr 2003 12:39:48 -0500

From: "Burka, Robert A."

To: "dennis"

CC: MichaelJShelton

This is not responsive to my enquiry, which relates to having access to data and records necessary for my clients to defend themselves against charges made by your client. As things now stand, Mr. Shelton has made claims that I understand to be baseless, but with respect to some portions we cannot fully demonstrate their lack of merit without access to records that Mr. Shelton is withholding.

In short, Mr. Shelton has made claims to the Federal Election Commission and is now withholding data to defeat my client's ability to defend herself.

I take your E-mail to be a continued refusal to provide those data and records, and I will act accordingly.

One further point. I represent Ms. Schneider and her committee only in the FEC matter. Mr. Shelton tells me that he filed his complaint with the Commission through counsel and that you represent him before the FEC. Could you please tell me if you are the attorney who filed Mr. Shelton's FEC complaint and, if not, then who did? Further, could you please confirm that you represent Mr. Shelton before the FEC? If so, then could you please tell me where on the papers that Mr. Shelton filed with the FEC you are identified? And if you do not represent Mr. Shelton before the FEC, then does anyone and, if so, who?

-----Original Mess.

From: Dennis Plews

Sent: Thursday, April 10, 2003 1:29 PM

To: rburka

Cc: MichaelJShelton

Subject: Your Recent Telephone Call to me.

April 10, 2003

Mr. Burka:

I am aware of the probable reason for your call to me. As I have been subjected to a similar demand from attorney Susan Chapman, my response to her will, I believe, be responsive to your presumed purpose. In salient part, it is as follows:

"Concerning the so-called FEC records, you make interesting assertions concerning ownership and have information concerning Mr. Carroll's position with the Schneider campaign that is inconsistent with what is known to be true. As to the ownership of the data that may still be contained in my client's personal computer, Mr. Carroll provided the data from paper records and presumably he or some other campaign member such as your client or her father should still be possessed thereof. Anything in my client's computer was entered by him and would therefore appear to be his work product. As your claim of ownership is unsupported by any citations of authority, I am unable to agree that the data is anything other than the product of my client's labors. Would you be so kind as to provide me with copies of the legal authorities upon which you base your ownership assertion so that I might review same and reach my own legal opinion on this issue in the light thereof? Alternatively, your client

can purchase those records from my client by paying him for the time it took him to compile them, some 24 hours, at his customary billable rate of \$250.00 per hour"

If this is not responsive to your intended inquiry, I apologize for the presumption and invite your message by return e-mail. If my presumption is correct, then I look forward to your response and being enlightened thereby concerning the legal authorities that support Ms. Schneider's claim.

Sincerely,
Dennis J. Plews

24-044-408-477B



DENNIS J. PLEWS

Civil Trial Attorney

Finkelstein & Associates, P.A.
Attorneys, CPAs and Associates



Member of
Academy of Florida Trial Lawyers
American Trial Lawyers Association

General Civil Litigation
Divorce, Commercial, Residential
Torts, Professional Malpractice

Susan Chapman
Attorney At Law
1800 Second Avenue
Suite 799
Sarasota, Florida 34236

February 20, 2003
VIA FAX #: 941-366-6624

Re: Schneider Campaign Issues
My Client: Michael J. Shelton
Your Client: Jan Schneider

Dear Counselor:

Thank you for your letter of today in which you set forth your recollection of our telephone conference of yesterday. I accept much of it as being a fairly accurate recitation of our conversation.

Regarding the vacuum cleaner and card table, your client has given several versions of their disposition, most recently at the Kennedy-King Dinner given by the Sarasota Democratic Party Executive Committee. Rather than pursue the matter through the courts you asked me during our telephone conference yesterday to provide you with a description of each and a suggested fair market value as of the date of their conversion. Included herewith are pictures of examples of the vacuum cleaner and card table which fairly depict the items nature. Although they were not new, they were in excellent condition and the vacuum had just been serviced and was in top working order when it was lent to the campaign. My client would accept either similar items acquired by your client in substitution for the ones that have been converted or, alternatively, the prices listed for the items as shown on the enclosed ads.

Concerning the so-called FEC records, you make interesting assertions concerning ownership and have information concerning Mr. Carroll's position with the Schneider campaign that is inconsistent with what is known to be true. As to the ownership of the data that may still be contained in my client's personal computer, Mr. Carroll provided the data from paper records and presumably he or some other campaign member such as your client or her father should still be possessed thereof. Anything in my client's computer was entered by him and would therefore appear to be his work product. As your claim of ownership is unsupported by any citations of authority, I am unable to agree that the data is anything other than the product of my client's labors. Would you be so kind as to provide me with copies of the legal authorities upon which you base your ownership assertion so that I might review same and reach my own legal opinion on this issue in the light thereof? Alternatively, your client can purchase those records from my client by paying him for the time it took him to compile them, some 24 hours, at his customary billable rate.

As to Mr. Carroll's visit, we are aware that he resigned his position as campaign treasurer. Regarding any

ethical violation, when Mr. Carroll approached my client he, Mr. Carroll, stated that your client had sent him around to speak with my client on the matter of acquiring the so-called FEC records. What I did say is I asked that you insure that in the future neither Mr. Carroll nor any other person be tasked by you or your client to circumvent the requirement that communications concerning the disputed issues be made only through counsel.

The next matter I feel compelled to address is your apparent penchant for ambiguity. In your letter of February 20, 2003 you include the following paragraph concerning the so-called FEC records:

"Mr. Shelton continues to hold campaign records that are the property of Ms. Schneider's campaign. Mr. Shelton input donor records, finance records, and expenditure records on his computer. These records are essential for accurate campaign reporting to the Federal Elections Commission. Mr. Shelton is fully aware of the nature of the records, since he completed some of the reports made to the F.E.C. These records are the proprietary records of the Jan Schneider campaign. There is no law that gives Mr. Shelton a claim or lien on these records. It is important that Mr. Shelton release these records to Ms. Schneider or to her campaign treasurer, Carroll Johnson. Please consider this our last formal demand for these campaign records before the appropriate authorities are notified. Mr. Shelton needs to return these records to my office or to Mr. Johnson within seven days."(e.s.)

Since you clearly claim ownership of the computerized data, the clear import of this language is to threaten a criminal complaint against my client unless he meets your demands. If that is not what you meant, please, in writing, clarify your meaning by noon tomorrow, otherwise I will accept that you confirm my interpretation of this ambiguity as accurately stating your intent.

You have made an offer of \$3,500.00 to settle the claimed indebtedness of \$3,032.09 (plus statutory interest). I'm glad to see that some progress on this issue is being made. It is hereby rejected, as is your suggestion that the matter be mediated. A binding arbitration agreement is possible, depending upon the terms concerning the responsibility for the costs thereof. However, I suggest that should your client pay mine the full amounts claimed and execute a mutual release and a confidentiality agreement that would require both parties, Mr. Schneider and anyone acting on Ms. or Mr. Schneider's request, express or implied, to forever remain silent on all of the issues between my client and yours that have been addressed in our written communications, he would be inclined to again volunteer to assist her campaign complete its FEC filings and should that go well on an interpersonal level, he would seriously consider assisting Ms. Schneider raise funds to retire the remaining campaign indebtedness. As you also seem to want to put this matter to rest promptly by your 48 hour deadline for acceptance of your \$3,500.00 offer, we require that your client's acceptance of one or the other of these counter-proposals (payment/arbitration) be delivered to me by 5:00 p.m. on February 21, 2003. I look forward to your reply.

Sincerely,


Dennis J. Flows

DJP/

Encl.: Hoover and Samsonite Ads

cc: Client

SUSAN CHAPMAN

ATTORNEY AT LAW

1800 SECOND STREET

SUITE 700

SARASOTA, FLORIDA 34238

TELEPHONE (941) 368-4646

FACSIMILE (941) 366-6624

ALSO LICENSED IN MISSOURI

February 20, 2003

Dennis J. Plews
Attorney at Law
Finkelstein and White, P.A.
27 Fletcher Avenue
Sarasota, FL 34237

RE: Michael Shelton

Dear Mr. Plews:

This will confirm our telephone conversation of February 19, 2003.

In that conversation, I told you that if Misty Smeltzer did not retrieve the vacuum cleaner on Mr. Shelton's behalf, it is missing. As I understand it, both the vacuum cleaner and the table were used. Ms. Schneider has indicated that she will reimburse Mr. Shelton for the value of these items. Please provide me with information on the model, purchase price, age, and condition of these two items, so we can offer a fair reimbursement.

Mr. Shelton continues to hold campaign records that are the property of Ms. Schneider's campaign. Mr. Shelton input donor records, finance records, and expenditure records on his computer. These records are essential for accurate campaign reporting to the Federal Elections Commission. Mr. Shelton is fully aware of the nature of the records, since he completed some of the reports made to the F.E.C. These records are the proprietary records of the Jan Schneider campaign. There is no law that gives Mr. Shelton a claim or lien on these records. It is important that Mr. Shelton release these records to Ms. Schneider or to her campaign treasurer, Carroll Johnson. Please consider this our last formal demand for these campaign records before the appropriate authorities are notified. Mr. Shelton needs to return these records to my office or to Mr. Johnson within seven days.

With regard to your complaint that Carroll Johnson requested these records of Mr. Shelton and that this is a legal ethics violation, I respond that Mr. Johnson is the Schneider campaign treasurer who is directly responsible for the financial reporting of the campaign. He is entitled to request campaign records from a former campaign employee.

Dennis J. Flews, Esq.
February 20, 2003
Page 2

Mr. Shelton has demanded more than \$8,000 in payments from Ms. Schneider for expenditures he claims he made on behalf of Ms. Schneider's campaign. Ms. Schneider did not authorize or approve these expenditures. However, to resolve this dispute Ms. Schneider will pay Mr. Shelton \$3,500 to put this matter behind her. This offer is conditioned on Mr. Shelton's returning all campaign records in usable form to Ms. Schneider. The offer will remain open for forty-eight hours.

Ms. Schneider has not defamed Mr. Shelton. Your letter addresses no specific claims. As a result, I cannot address this issue in any detail.

I look forward to hearing from you. It is in the interests of both parties to resolve these issues. In the event Mr. Shelton rejects this proposal, I suggest we proceed to mediation with a Florida Supreme Court certified mediator.

Sincerely,



Susan Chapman
Attorney at Law

SC/jcy
cc: Jan Schneider

24.04.408.4782